| Ì       | Case 3:08-cr-01548-JLS Do   | ocument 7 | Filed 08/1              | 4/2008  | Page 1 of 2    |  |  |
|---------|---|-----------|-------------------------|---|----------------|--|--|
|         |   |           |                         |   |                |  |  |
| 1 2     | James Matthew Brown (CSB# 98922) 2044 First Avenue, Suite 200 San Diego, CA. 92101 (619) 238-0815   |           |                         |   |                |  |  |
| 3       | Attorney for Defendant Juan Ontiveros-Palomares   |           |                         |   |                |  |  |
| 4       |   |           |                         |   |                |  |  |
| 5       | DI TITLE I DI ITUDO COL I TESS DI CONTROL CONTROL   |           |                         |   |                |  |  |
| 6       | IN THE UNITED STATES DISTRICT COURT   |           |                         |   |                |  |  |
| 7       | FOR THE SOUTHERN DISTRICT OF CALIFORNIA   |           |                         |   |                |  |  |
| 8       | (HON. JANIS SAMMARTINO)   |           |                         |   |                |  |  |
| 9       | UNITED STATES OF AMERICA,   |           | ) Case No               | . 08-CR-                                      | 1548-JLS       |  |  |
| 10      | Plaintiff,  |           |                         | ) NOTICE OF MOTION AND                        |                |  |  |
| 11      | 770   |           |                         | ) MOTION FOR ) 1) DISCOVERY/PRESERVE EVIDENCE |                |  |  |
| 13      | vs.<br>JUAN ONTIVEROS-PALOMARE  | a         | ) 2) LEAN               | ) 2) LEAVE TO FILE MOTIONS                    |                |  |  |
| 14      | Defendan  | ŕ         | )<br>) Date:<br>) Time: | 8/15/08<br>9:00 A                             | m              |  |  |
| 15      | Detendan  | ι.        | ) Judge:                |   | nis Sammartino |  |  |
| 16      | TO: THE UNITED STATES ATTORNEY and JEFF MOORE, ASSISTANT UNITED STATES ATTORNEY:  PLEASE TAKE NOTICE that on August 15, 2008 at 9:00 p.m., or as soon thereafter as counsel may be heard, before the Honorable Janis Sammartino, United States District Court for the |           |                         |   |                |  |  |
| 17      |   |           |                         |   |                |  |  |
| 18      |   |           |                         |   |                |  |  |
| 19      |   |           |                         |   |                |  |  |
| 20      | Southern District of California, the Defendant, Juan Ontiveros-Palomares, by and through his  |           |                         |   |                |  |  |
| 21      | counsel, James Matthew Brown, will ask this Court to enter an Order granting the following  |           |                         |   |                |  |  |
| 22      | motions: 1) to compel and preserve discovery; and 2) Leave to file additional motions.  |           |                         |   |                |  |  |
| 23      | MOTION  |           |                         |   |                |  |  |
| 24      | The defendant Juan Ontiveros-Palomares, by and through his counsel, James Matthew   |           |                         |   |                |  |  |
| 25      | Brown, pursuant to United States Constitution, Fed. R. Crim. Proc., Rules 8 and 14, and applicable  |           |                         |   |                |  |  |
| 26      | case law and local rules, moves this Court for an Order: 1) to compel and preserve discovery; and 2)  |           |                         |   |                |  |  |
| 27      | Leave to file additional motions.   |           |                         |   |                |  |  |
| 28      |   |           |                         |   |                |  |  |
|         |   |           |                         |   |                |  |  |
| 21      |   |           |                         |   |                |  |  |
| 21   22 |   |           |                         |   |                |  |  |
| 23      |   |           |                         |   |                |  |  |
| 24      |   |           |                         |   |                |  |  |
| 25      |   |           |                         |   |                |  |  |
| 26      |   |           |                         |   |                |  |  |
| 27      |   |           |                         |   |                |  |  |
| 28      |   |           | 2                       |   |                |  |  |

These motions are based upon the instant Motions and Notice of Motions, the attached Statements of Facts and Memorandum of Points and Authorities, the files and records in the above-captioned matter, and any and all other materials which may be brought to this Court's attention prior to or during the hearing on these motions.

Respectfully Submitted this 14th day of August 2008.

S/James Matthew Brown James Matthew Brown Attorney of Defendant, Juan Ontiveros-Palomares